

**KENTUCKY BOARD OF EDUCATION
REGULAR MEETING
JUNE 13-14, 2006**

**STATE BOARD ROOM
1ST FLOOR, CAPITAL PLAZA TOWER
FRANKFORT, KENTUCKY**

SUMMARY MINUTES

The Kentucky Board of Education held its regular meeting on June 13-14, 2006, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The Board conducted the following business:

Tuesday, June 13, 2006

CALL TO ORDER

Chair Keith Travis called the full Board meeting to order at 8:30 a.m. He welcomed all guests and asked for the roll to be called.

ROLL CALL

Present for the meeting were C.B. Akins, Kaye Baird, Joe Brothers, Jeanne Ferguson, Bonnie Lash Freeman, Judy Gibbons, Doug Hubbard, Tom Layzell, David Rhodes, Keith Travis, Janna Vice and David Webb.

APPROVAL OF SUMMARY MINUTES

At this point, David Webb moved approval of the April 11-12, 2006, regular meeting minutes and the May 10-11, 2006, retreat minutes. Kaye Baird seconded the motion and it carried.

REPORT OF THE COMMISSIONER OF EDUCATION

Commissioner Wilhoit reported the following:

- In the Board members' packet, an article titled "Senior Keeps Record of Perfect Attendance" about Brandon Fyffe was pointed out. Brandon was recognized because he did not participate in the ritual skip day at his high school due to the fact that he had not missed any days in his entire school career. Brandon met the Commissioner last week and it was determined that Board members should have the opportunity to say hello and congratulate him. He was connected via conference call phone due to the fact that he was attending an out-of-state academic competition. Brandon not only had perfect attendance, but was on the academic team and accumulated many honors during his school career. He will

be attending Duke University. A conversation with Brandon, the Commissioner and Board members occurred.

- The commissioner was asked by Chair Keith Travis to recognize the recent Kentucky Department of Education Employees of the Month at each of the Board meetings. The commissioner indicated that this recognition is the result of a process managed by Kentucky Department of Education employees. He said that these people are nominated by their peers. He noted that two of the Employees of the Month were present today and asked Valerie Perkins and Sherry Newman-Holder both to stand, both of whom work in the Office of District Support Services. He congratulated them on being recognized by their peers and noted they will have lunch with the Board.
- Commissioner Wilhoit noted that the nonacademic data report had been released this month and said this data is reported prior to the release of academic data. He noted that it is prior-year data. The commissioner indicated that all Board members were sent a copy of the report and commented that he wanted to give an opportunity for questions to be raised about the report. He went on to say that he would summarize the data as maintaining the status quo as far as the overall state numbers. He said that there was a slight shifting in some areas but stated most of these were within hundredths of a percentage point. Wilhoit thought it was more intriguing to look at what is occurring in the individual school districts and schools and emphasized there is a tremendous amount of diversity in terms of the numbers reported by schools and districts. He said that Board members did receive a copy of the school data as well as the state data. The commissioner went on to say there are school districts, for example, like Walton-Verona where there are zero dropouts and have been none for six years running. However, he contrasted these statistics with other districts where the dropout numbers are in double digits. The commissioner indicated that the Department is putting pressure on those schools and districts to turn things around. He then opened up the floor for questions on the nonacademic data report.
 - Concerns were expressed about the slight increase in the overall dropout rate, the need to set aside some time to see how dropout rates and graduation rates are calculated and the significant increase in the dropout rate for African-Americans and Hispanics.
 - The commissioner said that not all states calculate graduation rate the same, which is problematic from a national comparison perspective. He shared that the Council of Chief State School Officers membership had agreed to move toward a common method for calculating graduation rate but explained that each state must have the ability to track students individually before this can occur. He noted that Kentucky now has that ability but commented that some other states do not.
 - The commissioner went on to say that when you look at both the African-American and Hispanic subpopulations, 73% of the African-American

population resides in six districts within Kentucky. Thus, he stated that when we see a shift in the data in these districts, we can pinpoint where and what is occurring. Wilhoit continued that in fact, 50% of the African-American population reside in one Kentucky district and when a second is added, the percentage moves up to 65%. He noted that this gives the state the ability to focus its attention on the majority of where the problem occurs. Wilhoit commented that the area for the Hispanic population is a bit larger, but again indicated it is identifiable.

- At a future meeting the commissioner was asked to give an update on what the Department is doing to address the needs of the African-American and Hispanic populations and also to provide an opportunity to look at academic and nonacademic data trends.
- The commissioner was asked if there are any efforts underway for districts that are successful in reducing the dropout rate to share with other districts.
- The commissioner responded that both Johnnie Grissom's and Steve Schenck's areas were working on this effort through sponsored events, a one-to-one match-up of districts, lead districts volunteering to help others and on-site visits. He noted that certain programs or practices can be identified that are working such as in Walton-Verona where they do not allow dropouts and do whatever is necessary to keep students in school. Additionally, Johnnie Grissom's area disseminates and trains on a program of discipline interventions that creates a positive climate and directly intervenes in negative behavior.
- The National Association of Educational Progress science results were sent to Board members and these provide good news for Kentucky in terms of science performance. Taking the NAEP test for science is voluntary at this point. Overall, Wilhoit noted, Kentucky fourth graders' scale score was 158 compared to the nation's score of 149. He pointed out that Kentucky scored significantly above the national average and was identified as one of the states with significant progress. The commissioner explained that the number of students performing at the proficient level in Kentucky in science is around 40%, which is not where we want to be ultimately. He clarified that it is above the national average of 28% and went on to say that when one looks at the Southern Regional Education Board states, only one state scored higher in science than Kentucky. At the eighth grade, Wilhoit noted, the performance is not as outstanding as in the fourth grade but commented it is still well above the national average with a scale score of 153 in Kentucky compared to 147 nationally. He stated that a state-by-state comparison for high schools in NAEP is not available but emphasized that he was pleased overall with Kentucky's performance. Wilhoit said that we must now look at what has occurred instructionally in the science area to determine what was responsible for the increase in performance.

Commissioner Wilhoit went on to say that this recent NAEP release of results puts Kentucky in the positive category for the English/Language Arts and Science areas and not so positive a light in mathematics. He emphasized that the Department knows that mathematics is an issue and will continue to work on this.

- Commissioner Wilhoit noted that the Board had seen several different figures quoted on the nonpublic school enrollment and pointed out that the Board received a letter from the Prichard Committee providing the correct information.

REPORT OF THE EXECUTIVE DIRECTOR OF THE EDUCATION PROFESSIONAL STANDARDS BOARD

Dr. Phillip Rogers reported the following:

- The Education Professional Standards Board (EPSB) just finished its retreat last weekend followed by its June meeting on Monday.
- The Education Professional Standards Board is working on new goals that will focus on student learning and a copy of their strategic plan will be sent to Kentucky Board of Education members once it is finalized.
- The EPSB is actively involved in the redesign of the master's program and received a report from a subcommittee that has been working in this area. Kentucky is the only Southern Regional Education Board state that requires teachers to complete a master's degree within ten years of the time the person starts teaching. It was reported that we cannot put into two years of undergraduate work everything a teacher needs to know to do a good job. New teachers do a good job with most students except when one looks at reducing the dropout rate or closing the achievement gap, which both take specialized skills that the Education Professional Standards Board wants to focus on in the master's program so that teachers become experts in student learning. The redesign of the master's program will help teachers to become experts in specialized areas such as assessment, instructional practices, and curriculum design. Principals will then be a leader of instructional leaders once teachers finish a master's program.
- The EPSB is involved in HJR 14, which calls for it, in collaboration with the commissioner and Council on Postsecondary Education, to develop a task force for the redesign of the principal preparation program as well as review principals' professional development, the induction program and working conditions. The first meeting of the task force will be on July 18.
- The Education Professional Standards Board is involved with the Kentucky Department of Education as a part of the task force on dual credit.
- The Education Professional Standards Board voted to approve the redesign of the Kentucky Teacher Internship Program (KTIP). This is a year-long program that

will now have new assessments to test new teachers that will focus on student learning and reflecting on what it takes to design instruction to result in student achievement. This will have a direct effect on the teacher preparation programs.

- The Education Professional Standards Board is a partner and works closely with the Kentucky Department of Education and Council on Postsecondary Education. The relationship between the three agencies is strong and focused on improving student learning.

The following questions and responses resulted from Dr. Rogers' report:

- Question: As your agency looks at the master's program, are any universities looking at the needs of English language learners? Response: The EPSB approved the first restricted-based certificate yesterday for Asbury College that certifies a person to teach English as a second language only. Asbury is the first to receive this but it is expected that other institutions will follow suit.
- Question: Has there been any discussion on highly qualified teachers in relation to special education? Response: There is currently quite a bit of discussion on highly qualified issues. All special education teachers have to be highly qualified as special education teachers. Those teachers that are highly qualified in Kentucky, about 96%, are highly qualified based on the federal definition. Those who are not highly qualified are either those teaching in alternative schools or special education teachers who are teaching in core content areas in which they are not highly qualified. Most districts seem to be working toward the collaborative model with special education, which addresses the highly qualified issue.
- Question: How is teacher preparation in the universities connected with the classroom and has there been a revolution in the universities such as KERA created in the public schools? Response: The revolution is starting but is more evolutionary than revolutionary primarily because the issue has not been pressed at the university level. When the new data system is functional where we can connect students to teachers to teacher preparation programs, it will put pressure on the system. A quality performance index will be able to be calculated for each institution to include student performance. Also, the redesign of the master's program will be based on student achievement.
- Question: Is there feedback from teachers on how they feel about their preparation programs? Response: Five years of trend data exists on this and it is known that new teachers typically do not feel prepared in areas such as assessment, working with special needs students and using technology.
- Question: In what areas do new teachers feel comfortable? Response: Generally, new teachers feel comfortable in designing lessons, using the core content and applying good instructional practices.

- Question: What is being done to attract teachers to critical needs areas?
Response: Michael Dailey from the Division of Educator Quality and Diversity at the Kentucky Department of Education spent time with the EPSB at its retreat to look at overlapping areas of work. The primary responsibility for recruitment and retention is located at the Kentucky Department of Education. The most attractive thing for teachers in high needs areas is getting assistance in paying for their college tuition. The Kentucky Higher Education Assistance Authority will reimburse teachers being trained in high needs areas for 20% of the principal of a student loan over five years.
- Question: Do we have a lot of teachers who don't return to the classroom after their first year? Response: The national average is 30%, but Kentucky's is 14%, which is consistent with other states that have an internship program.

GOOD NEWS FROM SCHOOLS/DISTRICTS

The following items of good news were shared by the Board members noted below:

- David Webb – Kentucky has been selected as a winner of the 2006 Frank Newman Award for State Innovation, which is given each year by the Education Commission of the States (ECS). The award is named in honor of the late Frank Newman, who served as ECS President from 1985 to 1999, and recognizes excellence in state education policy and policymaking. The award will be presented at the 2006 ECS National Forum on Education Policy on July 13 in Minneapolis, Minnesota. This year's award is given to Kentucky for the depth, breadth and sustained focus of its education reform and improvement efforts over the past decade and a half.
- Bonnie Lash Freeman – Three Kentucky schools have been named "Schools to Watch" by the National Forum to Accelerate Middle Grades Reform. J.T. Alton Middle School in Hardin County; Crosby Middle School in Jefferson County; and South Oldham Middle School received the 2006 awards. Along with Commissioner Wilhoit, Bonnie Freeman attended the ceremony at Crosby Middle and C.B. Akins attended the ceremony at J.T. Alton Middle. Schools to Watch are selected based on academic excellence, developmental responsiveness, social equity and strong organizational leadership. The three schools joined 79 others across the nation as the recipients this year and we offer them hearty congratulations on this achievement!
- Doug Hubbard – David Tao, a sixteen-year-old Bardstown native, is one of one hundred winners nationwide of the Prudential Spirit of Community Award. David won for a program called "The Wagon of Hope", a food drive he started while attending seventh grade at Bardstown Middle School. The project gathers food on a monthly basis from four local churches and various businesses. To date, the food drive has collected more than 18,000 food and toiletry items for the needy in Nelson County. The Prudential Awards is the largest youth recognition

program based on volunteer service and has honored more than 70,000 young people since 1995. We congratulate David on this prestigious award!

- Judy Gibbons – In April, Campbell County Schools received a \$314,000 grant from the U.S. Environmental Protection Agency to help make its school buses operate in a cleaner manner. About 50 buses in the district will be retrofitted with devices that will reduce harmful emissions from the fuel. Campbell County is the only Kentucky recipient of the grant this year. The district uses 55 buses to travel more than one million miles each year. Kudos to Campbell County for being proactive in this area!
- Jeanne Ferguson – Dhamur Damodar, a sophomore at duPont Manual High School in Jefferson County, won a \$25,000 award at the Intel International Science Engineering Fair in May. He was named one of two Ricoh Sustainable Development Award winners for his project involving a natural method of soil erosion that could replace the synthetic material now used. Dhamur's prize was the highest earned by any area student and one of the largest awarded at the fair. Congratulations to this young man for his tremendous accomplishments!

BOARD MEMBER CONCERNS

During this part of the agenda, Kentucky Board of Education members brought up the following issues:

- The Commissioner was asked to provide the Board with an explanation of why Kentucky received an 'F' on its history standards in the Fordham Foundation report.
- An explanation was asked for on why Kentucky had no high schools listed in Newsweek's top 100 high schools.
- Bonnie Freeman thanked the Board for the opportunity to participate in the National Association of State Boards of Education Association's Early Childhood Study Group and also said thanks to the legislature for the dollars allocated for early childhood. She recommended that other Board members participate in NASBE study groups if the chance presents itself.
- A concern was expressed about using the term 'effective professional development' in materials sent to Board members and it was emphasized that hopefully any professional development that we are doing is effective.
- A question was asked about the Department and Board's role in helping schools prepare for a flu pandemic. The commissioner shared that schools are revising their crisis plans to incorporate a process for dealing with this situation if it occurs. He noted that the health departments are playing the lead role supported by the Kentucky Department of Education.

- A question came up about how many applicants there were for the math innovation grants and the commissioner responded that there were 290 applicants with 45 grants being funded. It was emphasized that the Department needs to ensure the awarding of these grants focuses on the areas of most need rather than possibly on good grant writing.

2020 EDUCATION ATTAINMENT PROJECTION

Dr. Thomas Layzell, President of the Council on Postsecondary Education, and Dr. John Hayek, Vice President for Planning and Performance at the Council on Postsecondary Education, presented this agenda item. A summary of the main points of their presentation is as follows:

- Kentucky needs 791,000 bachelor degree holders by the year 2020 to reach the projected national average in educational attainment.
- The Postsecondary Education Improvement Act of 1997 (House Bill 1) purports that: a) the general welfare and well being of citizens of the Commonwealth depends on the development of a well-educated and highly trained workforce, b) the achievement of 2020 goals will lead to a standard of living and quality of life that meets or exceeds the national average, and c) the achievement of these goals will only be accomplished through increased educational attainment at all levels and contributions to the quality of elementary and secondary education shall be a central responsibility of Kentucky's postsecondary institutions.
- The central goal is to increase the percent of Kentuckians with at least a bachelor's degree to the national average by 2020. Kentucky is currently at 402,000 and needs to move to 791,000.
- In order to meet the educational attainment goal, Kentucky must: a) increase postsecondary participation and quality, b) improve GED to college transitions, c) funnel more first-time students through the Kentucky Community and Technical College System, d) raise high school graduation rates and e) increase migration and economic development.
- The return on meeting this goal will yield economic, social and personnel benefits.
- The next steps in moving forward to meet the goal are: a) establishing aggressive short-term goals, b) reassessing postsecondary education's funding policies, c) exploring new strategies and policies to urgently increase educational attainment and d) work with K-12, adult education and economic development to align their goals to help meet the educational attainment target.

Input from Board members included the fact that a public engagement process will need to occur relative to the 2020 attainment initiative. Better preparation for GED students

must take place and students will have to be motivated in order to increase the number of bachelor's degrees.

KENTUCKY'S ASSESSMENT AND ACCOUNTABILITY PROGRAM

Coming forward for this presentation were Deputy Commissioner Linda France, Associate Commissioner Pam Rogers and Division Director Rhonda Sims. Ms. Sims did a PowerPoint presentation to explain Kentucky's current Commonwealth Accountability Testing System (CATS) in order to establish background for policy decisions that will have to be made by the Board this fall. The major points of the presentation included:

- Kentucky's assessment consists of a single assessment with two accountability requirements. One is the state requirement based on the percentage of Novice, Apprentice, Proficient and Distinguished students in reading, mathematics, science, social studies, arts and humanities, practical living/vocational studies and writing. The state results are reported through the Kentucky Performance Report and state accountability yields biennially a performance judgment of meeting goal, progressing or assistance. For the federal system the basis of accountability is the percentage of proficient and distinguished students in reading and mathematics. It is reported through the *No Child Left Behind* report that yields annually adequate yearly progress determinations.
- Kentucky's system has two types of standards, content standards consisting of the Program of Studies with a subset being the Core Content for what is tested and performance standards, which yield how well students did on particular skills in the various subject areas reflected as Novice, Apprentice, Proficient or Distinguished. When students take the KCCT, their answers in the test booklet yield a raw score that converts to a scale score that converts to either Novice, Apprentice, Proficient or Distinguished levels. Schools must reach the Proficient category or a score of 100 by the year 2014. If a school is in the meeting goal category or above, it qualifies for rewards if monies are available. Schools in the progressing category are not penalized because they are moving forward. Schools in the assistance category are classified as either Level 1 that receive a district scholastic review and self-study, Level 2 that receive a scholastic review by the Kentucky Department of Education or Level 3 that receive a scholastic audit and an assignment of a highly skilled educator.
- The components used to calculate an accountability index are categorized into two categories, academic indicators and nonacademic indicators. The academic indicators come from the subject areas tested within the Kentucky Core Content Test of reading, mathematics, science, social studies, writing, arts and humanities, and practical living/vocational studies and the norm referenced test components of reading/language arts and mathematics. The nonacademic indicators include attendance, retention, dropout and transition to adult life. Each school receives its own individual accountability report and chart that shows its progress toward the goal of proficient in 2014.

- Examples of calculating an accountability index for middle and high schools were provided and charts showing the weights of the various academic and nonacademic indicators were shown.
- The new and changed assessment components for the assessment that will be given in the spring of 2007 were then pointed out as follows: a) test design (common and matrix items), b) fewer open-response items, c) reduction in the number of writing portfolio pieces and the change from holistic to analytic scoring, d) grade changes for practical living/vocational studies and on-demand writing, e) additional grades tested in reading (3, 5, 6, 8) and mathematics (3, 4, 6, 7), f) no required norm referenced tests for grades 3 and 9, g) addition of predictive measures (readiness exams) in middle and high school, and h) the potential addition of the individual learning plan to nonacademic measures.
- The Board will have to consider policies in the future dealing with weighting, additional testing of reading and mathematics, the norm referenced test, readiness exams and nonacademic measures.

Board members provided the following feedback for staff to consider in August when other policy issues are brought forward relative to assessment:

- It is important to add the ACT to the accountability index.
- We need to examine if there is a duplication problem with Senate Bill 130 that will require all Kentucky students to take the ACT and the Commonwealth Accountability Testing System at grade 11. Staff needs to examine whether the index is developed appropriately.

NO CHILD LEFT BEHIND ACT (NCLB) AND KENTUCKY'S ACCOUNTABILITY TESTING SYSTEM (CATS)

Coming forward for this presentation were Deputy Commissioner Linda France, Deputy Commissioner Kevin Noland, Associate Commissioner Pam Rogers and Division Director Rhonda Sims. Deputy Commissioner Noland began by giving a broad overview of the *No Child Left Behind Act* and made the following points:

- Congress left places within the *No Child Left Behind Act (NCLB)* for state boards of Education to make decisions.
- In the past, this Board has tried to make decisions that would mesh the federal system with the Commonwealth Accountability Testing System (CATS) to reduce confusion for the various constituencies in the state.
- In 2001, President Bush proposed *NCLB* as a way to revamp the Elementary and Secondary Education Act.

- For the first time, federal dollars were applied to all students relative to assessment and accountability rather than specific populations.
- The goals of *NCLB* are very similar to Kentucky's goals for education reform during the last ten years.
- Local schools receive about 7% of their budget from federal funds, which is about \$400 million for the entire state.
- Where the challenge arises is how to reach the goals and mesh the state system with the federal requirements.
- Some important differences exist between CATS and NCLB such as: a) CATS looks at two years of data before making a performance judgment whereas NCLB looks at a judgment annually; b) NCLB only looks at mathematics and reading whereas Kentucky looks at seven content areas; c) Kentucky uses individual baselines for each school to project reaching proficiency by 2014 whereas NCLB starts all schools at the same starting point; and d) Kentucky gives teachers and schools credit for moving students from novice to apprentice to proficient to distinguished whereas NCLB only recognizes proficiency.
- NCLB has a lot of goals for the various subpopulations that exist in schools and one school may have 20 goals while another has 10. A school must meet every goal to make adequate yearly progress.
- Every six years, Congress reauthorizes its major laws and NCLB is up for reauthorization next year. Congress is starting hearings to find out what is working and what needs to be improved. However, we are hearing that it may be 2008 or 2009 before the reauthorization actually takes place.
- States are indicating they want to be held accountable but would like to have more flexibility in designing their assessment and accountability systems.

Next, Division Director Rhonda Sims presented a PowerPoint presentation that explained the specific elements of NCLB that schools are required to meet. The presentation made the following points:

- Schools/districts are determined to have made adequate yearly progress (AYP) for a school year if the school/district and all subpopulations of sufficient size; a) met annual measurable objectives (AMO) in reading and mathematics; b) showed progress on the other academic indicator, which is the prior year graduation rate at the high school level or the prior year CATS classification of any category of meets goal or progressing or if in assistance, growth at or above the state average for the specific grade configuration at the elementary and middle school levels; and c) tested at least 95% of enrolled students and all subpopulations of sufficient size.

- The chart reflecting the NCLB annual measurable objectives was shown giving the starting points and yearly targets through 2014.
- NCLB targeted student groups include all students and categories of race and ethnicity including white/non Hispanic, African-American, Hispanic, Asian, limited English proficiency, economically disadvantaged and students with disabilities.
- School/districts are accountable for students enrolled a full academic year (any 100 instructional days).
- The “n” count or sufficient size of a group to report was defined for reading and mathematics annual measurable objectives as 10 per grade where NCLB assessments are administered and 60 per these grades combined for the number of students in the subgroup equals 15% of the total accountable student population.
- The “n” count for participation rate was defined as 10 per grade where NCLB assessments are combined/60 per these grades combined.
- A sample NCLB report was shown and it was emphasized that the number of targets for a school or district is reflected with all targets having to be met in order to make adequate yearly progress.
- Areas for policy consideration relative to NCLB include full compliance with the alternate portfolio program, flexibility for an additional 2% of the special education population and a response to federal changes in flexibility granted by the United States Department of Education.

CURRICULUM, INSTRUCTION AND ASSESSMENT COMMITTEE MEETING

Action/Consent Items

1. **Certification of Non-Public Schools.** Associate Commissioner Johnnie Grissom indicated that KRS 156.160 (3) provides that any “private, parochial or church school can voluntarily comply with curriculum, certification and textbook standards established by the Kentucky Board of Education and be certified upon application to the Board by such schools.” She said this process to certify non-public schools is overseen by the Kentucky Non-Public Schools Commission, which ensures that the schools being presented to the Board for certification have successfully completed the accreditation process of one of the ten state or national accrediting agencies approved for this purpose by the Board. She also stated that at the August 2006 meeting, staff will bring forward a review of the non-public school certification process for discussion, since it has been in place for a number of years.

At this point, Keith Travis moved that the schools submitted for certification in the staff note be approved and Janna Vice seconded the motion. The motion carried.

Review Items

1. **Report on the Evaluation of 40 alternative education programs pursuant to 703 KAR 5:040.** Branch Manager Nijel Clayton began the presentation by defining the different kinds of alternative programs. She indicated that the programs funded by the Kentucky Center for School Safety are known as A5 programs, which are defined as “a district-operated and district-controlled facility ... designed to provide services to at-risk populations with unique needs.” Additionally, Clayton said, there are A5 alternative education programs funded by the local districts as well. In addition to A5 programs, Clayton explained that Kentucky has A6 programs, which are defined as “a district-operated instructional program in a nondistrict-operated institution or school.” She noted that these programs that serve state agency children and are the responsibility of the Department of Juvenile Justice, the Department of Community-Based Services and the Department for Mental Health and Mental Retardation Services. Ms. Clayton said that the Kentucky Education Collaborative for State Agency Children provides supplemental funds to these school districts and conducts monitoring of these programs with at least a minimum of one visit per year. However, Ms. Clayton pointed out that A5 programs have no monitoring system or oversight to ensure equitable educational services are provided. She indicated that in December 2005, the Kentucky Board of Education directed Kentucky Department of Education staff to begin an initial monitoring process involving 40 alternative education programs (A5). Clayton stated that the Kentucky Center for School Safety was put under contract to provide the monitoring services and said today will report their findings.

At this point, Dr. John Akers, Executive Director of the Kentucky Center for School Safety came forward to present the Center's report. He introduced his alternative education consultants as follows: Lue Cole, Maryann Cole, Lynn McCoy-Simandle and Lonnie Watts. Akers indicated that 80% of safe school dollars go into alternative education programs, which equals about \$7 million a year. He reported that the Kentucky Department of Education collaborated with the Kentucky Center for School Safety on this pilot project, which looked at 40 A5 programs that were randomly selected to ensure that high quality services were being provided to the students in alternative education programs. Akers went on to say that a modified Standards and Indicators for School Improvement tool was used to assess the programs, the data was gathered and then Center staff wrote the report. He shared that the tool evaluated the programs relative to academic performance, learning environment and efficiency.

The various alternative education consultants then summarized the findings from the visit to the 40 alternative education programs as follows:

- *Academic Performance: Curriculum, Assessment and Instruction* - The curriculum in most programs is not fully aligned with Kentucky's standards and/or local standards, resulting in a curriculum lacking rigor and challenge. Individual learning styles of the diverse student population are not consistently and intentionally addressed through differentiation of curriculum and instruction. Opportunity for assessment tasks that are both rigorous and authentic, based on Kentucky's performance level descriptions, is limited.
- *Learning Environment: Culture, Support and Professional Development/Evaluation* - In most programs, it was concluded that the educational staff members care about students and promote a positive (non-punitive) perception of the alternative education program. Most students interviewed said they get the necessary one-on-one attention to be successful in the classroom. Students emphasized that the smaller classroom atmosphere is a positive feature about alternative education programs. However, in some programs where students are placed primarily for disciplinary reasons (alternative to suspension/alternative to expulsion), students expressed negativity. Not all programs are providing individual and group counseling services to address behavioral issues, even though many students are placed in the programs for disciplinary reasons. Professional development is ongoing, but the emphasis is not always on sustained and continuous growth, built around individual growth plans and a program improvement plan.
- *Efficiency; Leadership, Resources/Organization and Planning* - Most programs are organized to include a principal or lead teacher to provide the leadership. Often the lead teacher has full-time teaching responsibilities, as well. In most programs, leadership does not analyze CATS data at the program level to determine needs, goals and objectives

for improvement. In a few programs, staff members participate in data analysis at the A1 schools. Textbooks used in the programs are often not the same quality and/or quantity as those provided at the A1 schools. Textbooks are often outdated and filled with graffiti. In many programs, computers need to be updated and/or replaced. Internet access is not available in all programs. Most programs do not have an on-site library/media center. Students are sometimes bused to the library/media center of another school or to the public library as an occasional field trip. When library books are available, they often do not include high interest choices. Although the Kentucky Department of Education does not require alternative education programs to have an improvement plan, some of the forty programs had developed and implemented some type of improvement plan. However, not all of the improvement plans included an analysis of CATS data to determine priority needs. Most programs are located off-site in separate facilities, sometimes without full access to Software Technology Incorporated (STI); STI often includes only the attendance module.

Concerns were expressed by various Board members about the quality of teachers in these programs, the lack of an improvement plan being in place, the existence of current violations of law in some of these programs and the lack of counseling services for students. Commissioner Wilhoit indicated that an immediate response to the violations that exist in some districts must occur and Chair Keith Travis suggested that a letter go to superintendents on this matter. Wilhoit went on to say that Department staff needs to continue to work with Jon Akers and the Kentucky Center for School Safety staff on what they would recommend as follow-up actions to this study. Additionally, Wilhoit said that the Department must look at its capacity and see what kind of monitoring/auditing can continue. He said that staff will report back to the Board on these issues in the future.

2. **Updating the certified personnel evaluation (CPE) process.** Associate Commissioner Steve Schenck began by noting that on page 73 of the Agenda Book, KRS 156.557 says that the Kentucky Department of Education must annually provide on-site visits to a minimum of 15 school districts to review and ensure appropriate implementation of the evaluation system. He explained that the Department implements this requirement through the scholastic audits and noted that over 100 of these have been performed. Schenck stated that unfortunately, the certified personnel evaluation process is not done according to best practices, especially in low-performing districts. He then turned the presentation over to Division Director Orin Simmerman to explain how the current process works.

Simmerman stated that the law requires that every district has an approved certified personnel evaluation plan. He said that the approval starts at the district level with the district evaluation committee that meets several times a year and makes changes to the plan. Then, he noted that the local board must

approve the plan before it is forwarded to the Kentucky Department of Education for final approval. Simmerman indicated that the Department approves the plan according to performance criteria that has been set out by the Kentucky Department of Education. Currently, he shared that all 176 districts have an approved evaluation plan. In response to a prior question on whether these plans contribute directly to the highly qualified teacher status, Simmerman indicated that there is no direct tie. He did, however, point out that in the evaluation process each teacher must develop a professional growth plan, which includes highly qualified professional development. He went on to say that the Department also is responsible for reviewing and granting waivers for alternative evaluation plans, but explained that no districts have applied for an alternative plan. Simmerman then shared that the Department is responsible for the initial certified personnel evaluation training for school districts and said that we partner with the Kentucky Association for School Administrators (KASA) to provide the training. He commented that the Department has also been working with KASA to develop a new two-day update training based on best practices. Simmerman then turned the presentation over to Shirley LaFavers from KASA to talk about the current certified personnel evaluation training that is administered by that organization.

Ms. LaFavers then explained that since 2002, KASA has been delivering the initial training to school district personnel as produced and approved by the Kentucky Department of Education. She explained that this is a two-day training to give first-time evaluators knowledge of the laws and regulations that are applicable and to introduce elements of best practice for evaluation purposes. At the end of the initial training, LaFavers noted the participants must take a test and pass it to become a certified trainer for evaluation purposes. She went on to say that people must complete 12 hours of evaluation training every two years in order to update their skills. LaFavers indicated there is a list of training that district personnel can choose from for the update phase and explained it has to be approved by their local board of education. She commented that KASA and the Department are developing their own version of an update training that will be explained in a few moments by Duane Lambert. LaFavers felt that if there is a shortcoming in this training it is knowing whether it is effective and also whether the evaluation process is working. She indicated there is no data to provide information on the effectiveness. LaFavers went on to say that the update training is more focused on student performance but said in the past it looked at teacher behavior. She then turned it over to Duane Lambert to talk about the redesigned initial training for next year the new update training that will be offered.

Lambert indicated that the redesigned initial evaluation training would still focus the first day on helping administrators have the tools to implement their local personnel evaluation plan. He said that it will focus on the regulations and law requirements, the teacher standards, how to document that the district

is meeting the requirements of the law and on scripting a teacher's performance. On the second day, however, he noted that the big push will be on how to make changes in a school to bring about student achievement. Lambert indicated that the participants will deal with professional growth plans, how to use the evaluation form and give it some teeth, what research says about promising practices and on the continuous improvement model. He moved on to describe the new additional two-day training for those individuals who have already had the initial training. Lambert explained that it will focus on how to evaluate what one sees in a classroom, knowing what good teaching is and what to do about practices that need to be changed. Also, he stated that the training will focus on tools that will help a teacher's instruction improve.

Chair Keith Travis indicated that he did not see how the evaluation system was going to make a difference as long as compensation and performance are not evaluated.

Staff were asked to follow-up to see if Jefferson County's evaluation system was linked to student achievement and get that information back to the Board.

INTERVENTIONS BY THE KENTUCKY DEPARTMENT OF EDUCATION (KDE) IN LOW-PERFORMING SCHOOLS AND DISTRICTS

Deputy Commissioner Linda France reminded the Board that for accountability, Kentucky schools have a dual dimension to meet consisting of state requirements and federal requirements. She then referred to handouts titled "School Classifications and District Classifications" that showed the number of schools and districts in the NCLB classifications and the CATS accountability classifications. For NCLB classifications using the 2005 midpoint CATS data, France said that there are 54 schools in Tier I, 69 schools in Tier II, 3 schools in Tier III, 6 schools in Tier IV, 0 in Tier V and 340 middle and high schools in the non-Title I category, which are not subject to NCLB sanctions. She went on to point out that for the state system, 25 schools under CATS are in Level 1 with one of those being in Tier I NCLB; 24 schools are in Level 2 with 3 being in NCLB Tier I, 7 are in NCLB Tier II, 1 is in NCLB Tier III and 1 is in NCLB Tier IV. For CATS Level 3, she said, 2 are in NCLB Tier I, 8 are in NCLB Tier II, 1 is in NCLB Tier III and 2 are in NCLB Tier IV. Thus, she emphasized there is not a perfect match between the two systems as far as those schools that are under sanctions. France stated that hopefully both systems are moving all of these schools toward the same goal, which is proficiency for all students. She then commented that each of the accountability dimensions has consequences and interventions that occur. She first asked Associate Commissioner Steve Schenck to talk about the state level interventions.

Associate Commissioner Schenck referred the Board to page 83 of the Agenda Book that provided a summary of the state levels of assistance and the interventions for each. He stated that currently from the 2003-2004 biennium, 15 schools are in Level 3 with all having a highly skilled educator and receiving a scholastic audit. Schenck emphasized that the scholastic audit is more stringent than a scholastic review. He explained that all

of the levels of assistance receive Commonwealth School Improvement Funds. Schenck indicated that the success of the state interventions has been striking if one looks at the data. For example, he noted that for the 2000 biennium, 141 schools were in assistance and at the end of the biennium all of them came out of assistance. He went on to say that there are currently 47 schools in assistance, which is much fewer than in the past. Schenck summarized the state intervention model as a three-legged stool consisting of the audit or review, a highly skilled educator and Commonwealth School Improvement Funds, all of which contribute to the success of the state intervention program.

Associate Commissioner Johnnie Grissom then summarized the consequences and interventions for the federal level of accountability. She explained that to be in Tier I, a school has to not meet adequate yearly progress (AYP) for two consecutive years. Tier II, she explained, occurs when a school does not meet AYP for three years (years do not have to be consecutive) and Tier III occurs when schools do not meet AYP for four years (years do not have to be consecutive). Grissom stated that each tier has specific interventions for schools that are listed in the chart on page 81 and for a district on page 82 of the Agenda Book.

Deputy Commissioner France indicated that Kentucky had asked the United States Department of Education to offer supplemental services before school choice but indicated that Kentucky did not meet the criteria set up by the USDOE for this to be granted.

Concerns were expressed by some Board members that more aggressive action is needed by the state in some instances and that if the state does not do something for as long as six years, it becomes complicit in the decline of the school.

The question was then asked about what Department staff has learned from those schools that came out of assistance. Associate Commissioner Steve Schenck indicated that school culture and leadership seem to be the critical factors in changing the course of a school and coming out of assistance.

Associate Commissioner Johnnie Grissom emphasized that the Department does not wait six years before doing anything in a school that is declining and said that assistance is offered all along the way.

A question was asked about where the problem lies in these districts. Associate Commissioner Schenck indicated that a common dynamic is often that the school district is the largest employer in the area and politics enter into the hiring situation and decisions made in the district. Commissioner Wilhoit added that the critical role of the community in turning schools around is essential. He said that one of the things that the Department has not been good at in the past is working with the community in efforts to improve. He emphasized that one will not find a low-performing school in a community with high expectations. The commissioner then asked if we need some new conditions or rules to apply in schools or districts that are not getting the job done.

Responses from Board members included tying school performance to testing, tying teacher/administrator performance to school performance and finding some way to change the culture, perhaps through the local board.

Associate Commissioner Schenck reported that this fall, if the Level 3 CATS schools repeat in that category, it will trigger a district audit and could for the first time change the governance of a school. Commissioner Wilhoit added that the federal language on intervention is extensive and the Board could see if it wants to extend that language into state law.

Deputy Commissioner Linda France stated that the Interim Joint Education Committee has formed a subgroup to look at interventions in low-performing schools. She promised that she would get the Board a list of its members and the meeting dates of this subcommittee.

France then moved on to talk about the district classification data and reported that there are 115 school districts that are not in any NCLB tier classification. She went on to say that in Tier I there are 9 Kentucky school districts and in Tier II there are 50 that are trending toward Tier III. France stated that when the test scores came out last fall, the districts in Tier II began to turn to the Department for assistance. She reported that the Department turned to its partners and specifically considered a proposal from the Kentucky Association of School Superintendents that would offer a full-service intervention option on a volunteer basis. She noted that David Baird from the Kentucky School Boards Association (KSBA) was present to talk about their role in this voluntary program. First, however, she asked Associate Commissioner Steve Schenck to talk about the development of this voluntary assistance program.

Associate Commissioner Schenck repeated that there are 50 Tier II districts that could all end up being in Tier III consequences. He explained that the voluntary assistance model uses a much more systemic team work approach at the district level through a five member team consisting of a superintendent mentor, a facilitator for the local board, a highly skilled educator, a Department staff person and the local superintendent, who leads the team. He stated that the format for the model is for the team to attend the local board meetings and then stay the next day for work in the district. Schenck said there have been seven pilot districts for the model and reported that staff and the teams met with the superintendents from these districts last Thursday. He felt that this approach has been able to yield a breakthrough in a systemic way.

David Baird of KSBA then spoke about the model and indicated KSBA's delight in being a partner in this effort. He said that it has been productive working where the teams have been invited and people want to improve. Baird indicated that the changes must start at the top and that all individuals must be held accountable all down the line. He said that KSBA works with the local boards to focus on student achievement and empower them to make changes. He also pointed out that the model has partnered with Iowa State University on the Lighthouse Project, which is exciting work.

Associate Commissioner Schenck went on to say that the feedback from the superintendents involved in the pilot reflected that at first it was like standing unclothed in public and facing the cruel facts. He shared that the superintendents felt the approach provided a focus in making decisions and all of them believe they are going to see an impact on this spring's test scores. Schenck said that the Department hopes to expand to 15 or 20 districts in August with the model.

REPORT ON SCHOOL FACILITIES EVALUATION TASK FORCE

Associate Commissioner Kyna Koch presented through a PowerPoint presentation new information that had come forward on the School Facilities Evaluation Study since the Agenda Book was forwarded to the Board. The main points from the presentation included:

- The Kentucky Department of Education is to conduct a comprehensive evaluation of the current facilities planning process, the process for categorizing schools, major plant maintenance, the process used to determine unmet need and the degree of equity in distribution of funds.
- The study will involve local superintendents, finance officers, facility managers, other local school personnel, consultants and others as deemed appropriate.
- The Kentucky Department of Education has established a school facilities evaluation task force consisting of 8 superintendents, 5 finance officers, 5 facility managers, 2 local district personnel, 2 architects, 1 fiscal agent and 3 school facility construction commission staff members.
- The task force has been divided into four subcommittees to address the categorizing of schools, determining unmet need, maintenance, and the facilities planning process.
- Slides were shown listing the specific membership of each subcommittee and a map of Kentucky was used to show the distribution of the subcommittee membership.
- The fifth area of study, the degree of equity and distribution of funds, will be addressed in a Request for Proposals issued by the Kentucky Department of Education and this is due back to the Department this Friday.
- The Kentucky Department of Education will seek input from the Kentucky Association of School Superintendents, the Kentucky School Boards Association and the Kentucky Association of School Administrators.
- The reporting dates for this study include the submission of a preliminary report to the General Assembly by September 15, 2006, with the final report due on September 30, 2006.

Ms. Koch indicated that one reason the study was asked for is that the General Assembly started funding projects outside the normal facility funding process, which made good things happen for some students but which are not good practices relative to funding the facilities process. She went on to say that there would be another report for the Board in August on the status of this study.

Feedback from the Board to pass on to the Task Force included the idea of having certain building plans for districts to choose from and to look into whether suppliers are providing money back to architects for using their products.

MANAGEMENT COMMITTEE MEETING

Action/Consent Items

1. **District Facility Plans: Daviess, Jessamine, Logan and Union County Schools.** Division Director Mark Ryles gave a brief explanation of the facility planning process.

Chair David Webb then asked if staff is using the same standards and is consistent with rulings on all buildings. Ryles responded affirmatively.

David Rhodes then asked if staff is still using the \$120 per square foot figure. Kyna Koch responded that staff is still using that figure but reported that one of the recommendations of the subcommittee is to go to 100% means instead of 75% means.

Chair Webb asked staff to define “means”. Mr. Ryles explained that it is a term for projected costs and stated that the current regulation requires use of 75% means for consistency. Kyna Koch added that this number is only used for calculation of unmet need and is not meant to be an actual cost for construction. She assured the committee that all districts are being treated the same.

2. **District Facility Plan Amendments: Bullitt and Franklin County Schools.** Division Director Ryles explained that the current regulation allows that within the four-year cycle the district can open up an amendment to a facility plan, which uses the same process that was explained in number 1 above, except the local board sets the agenda for the local planning committee. He noted that many times an amendment is made due to growth.
3. **2005-2006 Local District Tax Rates Levied.** Associate Commissioner Kyna Koch reported that the tax rate being submitted for approval is a correction of an error from a prior approval of the tax rate for Lee County. David Rhodes then moved approval of the 2005-2006 local district tax rates levied, all district facility plans and all submitted facility plan amendments. Doug Hubbard seconded the motion and the motion carried.

Action/Discussion Items

1. **Kentucky High School Athletic Association (KHSAA) At-Large Board of Control Appointment.** Committee Chair David Webb explained that the Kentucky Board of Education appoints four at-large members to the KHSAA Board of Control. He went on to say that this particular appointment must be for a female and indicated that the person cannot be an employee of a local district.

Deputy Commissioner Kevin Noland then confirmed that Webb's assessment of the appointment was correct and noted that the Kentucky Board of Education appoints four of seventeen on the KHSAA Board of Control. He stated that this appointment will be effective July 1 and noted that one of the Board's appointments must be a female because all of the others currently in the Board-appointed seats are male. Noland stated that the applications and resumes were shared with the Board in a mailing last week and said that the person the Commissioner is recommending is Lea Wise Prewitt.

David Rhodes then added that Ms. Prewitt would make a great appointment, that she is very active in the community and that he would highly recommend her.

At this point Doug Hubbard moved appointment of Lea Wise Prewitt to the KHSAA Board of Control and Kaye Baird seconded the motion. The motion carried.

Review Items

1. **702 KAR 5:010, Pupil transportation; technical assistance and monitoring.** Associate Commissioner Kyna Koch explained that the amendment to this regulation affects the use of a vehicle of less than 10 passengers for transporting students. She noted that the new language is being added to conform with two other regulations that are in effect.

David Webb noted that small vehicles are used to go into areas where the bus is not practical or are sometimes used on an emergency basis.

Division Director Tom Campbell stated that 702 KAR 5:010 did not allow the use of any type of vehicle but a school bus and said that is why it needs to be amended.

No action was taken on the regulation because it will come back for final approval in August.

2. **702 KAR 6:100, Appeal procedures for sponsors of child nutrition programs.** Division Director Paul McElwain indicated that sometimes sponsors take issue with the Kentucky Department of Education's decision.

He reported that this regulation allows the pursuit of an appeal to the Department's decisions. McElwain stated that originally the Department denied an appeal of a second late claim within 36 months but went on to say that the federal level told the Department that this is not allowed. Thus, he said that on page 140 of the Agenda Book, the language "except for a late claim" will be stricken. He indicated that the name of the Division within the Department was also updated.

No action was taken on this regulation and it will come back for final approval at the August meeting.

TECHNOLOGY IN KENTUCKY SCHOOLS – THE KENTUCKY EDUCATION TECHNOLOGY SYSTEM (KETS)

Deputy Commissioner Kevin Noland said that this informational presentation was coming forward to help prepare the Board to make decisions in August on the KETS Master Plan, KETS Offers of Assistance and the KETS Budget. He noted that the staff note occurs on page 89 of the Agenda Book and asked Associate Commissioner David Couch to briefly talk about the KETS system.

Associate Commissioner Couch indicated that the first Master Plan got the initial equipment in place, such as workstations, phones, software, etc. and then toward the end of the first phase, the virtual high school came into existence. He explained that the first Master Plan was to end in 1998 and did not have enough funding to accomplish all of its goals. Phase 2, Couch stated, focused more on higher level thinking skills, technology standards, technology resource teachers, technicians and replacement of items. Phase 3, he said, will be presented at the August meeting. He indicated that focus groups have been held across the state on what the most important things are to include in the third Master Plan, what needs to be achieved and how technology can help to achieve those things.

At this point, Chair Travis asked where the Department stands on funding for technology.

Couch responded that as part of the third Master Plan there is a component showing costs and also a specific budget proposal that will come forward in August.

Travis went on to inquire how much funds were lacking from the second Master Plan.

Couch replied that it was under funded by \$300 million. He explained that districts used the money they received to keep operating but did not replace as many components as were envisioned. Couch continued that the legislature in this session did give the Department additional funds to address replacements and commented that hopefully this will address the previous shortage.

Chair Travis then inquired how far away the Department is from implementing on-line assessment.

Couch replied that to do the on-line assessment, Kentucky must have student workstations at a certain level in-place, have the high-speed network in-place and have the technical support structure within local districts in-place. He indicated that this is part of the plans for Phase 3 of the Master Plan.

Commissioner Wilhoit indicated that we are at least two years away from being able to do on-line assessment. He said that we have pilots in-place for some subjects and indicated while students are ready not all of the pieces are in-place in order to accomplish this. Wilhoit said that in some places that were using the on-line assessment pilot, everything else in the district had to shut down in order for them to participate. He emphasized that we must have a larger, more robust statewide system and with the additional legislative funding, hopefully this will be addressed.

Joe Brothers asked about the role of technology in getting to proficiency.

David Couch responded that teachers use technology to connect to teaching points. He explained that in addition to use of the computer, audio and video teaching tools are available. Couch pointed out that *Ed Week* ranked Kentucky's financial support fifth in the nation but indicated we were first in the country in using the Internet.

Couch went on to explain that every year the Board is asked to approve the unmet technology need and offers of assistance, which is one source of funding for districts. He noted that the unmet need is funded by state, local and federal dollars from various sources. He then went through the various components of the KETS system, which were found on page 91 of the Agenda Book.

Commissioner Wilhoit noted that the shared services are a point of contention by some. He said that most feel these are important but commented when the pool of services don't grow, there is a problem with purchasing resources.

Associate Commissioner Robin Kinney then took the opportunity to talk about the funding the Department received for technology this session from the General Assembly. She characterized it as a great opportunity for Kentucky students. Kinney reported that \$50 million was allocated for workstation purposes and \$30 million for the high-speed network. Additionally, she noted that \$10 million was allocated for the student information system and indicated the Department is just beginning the plans for this, setting up advisory groups and listening to the needs of the end users. She promised the Board that there will be an updated report in August relative to these plans.

KENTUCKY BOARD OF EDUCATION VISION AND STRATEGIC PLAN

Commissioner Wilhoit stated that he needed to know from the Board if staff has produced the correct general outline for the plan and also whether the vision and mission statements are on the right track. He said that in a conversation with one of the Board members, it was expressed that the words used in the vision and mission statements were good but that a lead-in slogan was needed.

Joe Brothers said he felt like there needed to be a short slogan that everyone can recite, such as every child becoming a proficient citizen or every child becoming a distinguished citizen.

C.B. Akins commented he felt that it should be as succinct as possible but yet broad enough to cover all students.

Janna Vice felt that if you ask parents it would be every child proficient by 2014.

Jeanne Ferguson said that she liked to incorporate the word citizen.

Janna Vice continued that she was not sure what the word “fit” meant in the phrase on being physically fit.

C.B. Akins asked how common the definition of proficiency is and said if it is commonly understood, then the Board doesn’t need many terms.

Kaye Baird shared that the Board had talked about making a student a lifelong learner and felt this concept should be included.

Judy Gibbons suggested that the bullets under the vision section be reordered and gave the commissioner her preference on that.

Jeanne Ferguson went on to say that fit and healthy may not be able to be accomplished by the schools.

Commissioner Wilhoit suggested that it be changed to something like helping students to participate in a healthy lifestyle.

David Rhodes commented that we need to focus on the importance of being healthy because it has an economic impact.

C.B. Akins added that disabled students need to be incorporated into the statement in some way.

At this point, Jeanne Ferguson asked what is meant by high levels in the belief statements.

Commissioner Wilhoit responded that it has to do with being competitive in this world.

Jeanne Ferguson suggested the use of the term full potential.

C.B. Akins then questioned the how of the action plan statements and the workforce expectations that need to result. He also said we needed to know how to measure sufficient capacity to lead.

Judy Gibbons then suggested to add the word “challenge” at the beginning of the last bullet under the section titled “Kentucky Board of Education Action Plan”.

Keith Travis suggested that the concepts of child-focused, results oriented and world-class education be included in the vision.

Commissioner Wilhoit said staff will take all of the input suggested by the Board and come back with a revised plan prior to the August meeting.

STATUS REPORT ON NEW SPECIAL EDUCATION REGULATIONS

Associate Commissioner Johnnie Grissom introduced Division Director Larry Taylor and Division Director Barb Kibler from her staff. She said that today, staff would review and start conversations on the special education regulations that will be revised in the future. Grissom explained that the Individuals with Disabilities Education Act (IDEA) was amended by Congress in 2004. The next step, she said, was for the federal staff to write regulations that would implement the amendments passed by Congress. Once the federal regulations are issued, Grissom explained, then states must respond with amendments to their state regulations, which govern special education operations within school districts. She indicated that staff will be coming back over several future meetings with proposed amendments to the state’s special education regulations once we receive the final federal regulations. Grissom stated that Larry Taylor will share the input that staff has received from groups around the state as far as issues for revising the regulations and then Barb Kibler will discuss some actual decision points that the Board will have to deal with in the future.

Division Director Larry Taylor reported that 22 focus groups have been held throughout the state with about 11 of them being geared specifically for parents, held in the evenings. He explained that the other 11 groups were targeted for administrators, teachers, special education teachers, principals, superintendents, etc. Taylor said that staff additionally met with the learning disabilities group, the State Advisory Panel for Exceptional Children, Kentucky Department of Education staff and others to get initial input. After the input was gathered, he said that it was shared with Kentucky School Boards Association and then refined further from their feedback.

Commissioner Wilhoit noted that for the revision of special education regulations, this requires the most extensive list of outreach for the Department. He emphasized that conversations must be held up front before decisions are made. Wilhoit stated that when one is dealing with special needs, there are different expectations for each condition. He stated that last time the regulations were revised, it took about six months to respond to the federal regulations.

C.B. Akins expressed a concern that meetings can be intimidating for parents and wondered how the Department ensures the rights of parents are respected.

Mr. Taylor replied that the Department continues its dialogue with various agencies and partners with them on how to work with parents.

Doug Hubbard then asked if there is an advocate for parents to make sure they understand their rights.

Barb Kibler responded that there is not any one person who has the responsibility for making sure parents understand their rights and the options that are open for their child. She explained that the Department works with lots of parent support groups to do this and tries to help them get information out to parents. She said there is an organization called Kentucky SPIN that is a parent organization run by parents statewide for the purpose of informing parents. Kibler went on to point out that the protection and advocacy agency is charged by federal law to help protect students' rights. She said that the school district has the obligation to explain the rights of individuals and noted that some do a great job. As to specific options for services, Kibler emphasized again that districts have the responsibility to explain these to parents and the Department tries to support parents through helping parent organizations.

David Webb indicated that some of the state regulations go beyond what is required by federal regulations and said that the Board will have to decide if it is comfortable with this.

Barb Kibler stated that staff has constructed eight decision points for the Board to consider and noted that the federal level gives states discretion on how to handle these decision points. She used the chart found on page 149 of the Agenda Book to go through each of these decision points as follows:

- Section 614 (6) of federal language lists new requirements for determining if a child has a specific learning disability. The proposed regulations address the issue of statewide versus districtwide eligibility criteria and indicate that the state may establish statewide criteria. It was noted that the input gathered from various constituencies overwhelmingly went toward having a statewide definition.
- The second decision point had to do with federal language in Section 614(a)(1)(C) that allows for a 60-day timeline from receipt of parent consent for initial evaluation until the eligibility determination for the student, unless the state has adopted a different timeline. The federal law means calendar day. It was noted that staff is recommending to keep this language as is in the state regulation.
- Section 614(d)(1)(C) of federal language does not allow for any member to be excused from the Admissions and Release Committee (ARC) meeting. Federal law allows for an Individual Education Plan (IEP) team member to be excused from attending a meeting if the parents and the local education agency agree that attendance is not necessary because that member's curriculum area or related service is not being discussed or even if the member's area is to be discussed, that person can be excused if the parent and local education agency agree and the member submits a report in writing to the meeting with their input on the development of the IEP. Staff recommended that the federal standard not be

adopted because this change could prohibit a thorough discussion of the needs of the student by all staff working with the student. It was noted that the Kentucky School Boards Association (KSBA) disagrees and would prefer to use the federal language that allows districts to make these decisions.

- Section 614(d)(1)(A) of federal language only requires benchmarks for short-term objectives for students “who take alternate assessments aligned to alternate achievement standards”. Staff recommends that the state regulations be amended to make it permissible to use benchmarks for short-term objectives if the ARC deems it appropriate. There would be still be requirements on collecting progress data and reporting on that progress.
- Section 614(d)(3)(C) of federal language does not allow for amending or revising the IEP without an ARC meeting to discuss the need for the changes. Federal language would allow such changes to be made without an ARC meeting. Staff recommends that no major changes such as substantive changes to type, duration or amount of services or goals and objectives be made in an IEP without an ARC meeting. It was noted that KSBA would prefer to give districts the discretion to make these decisions or to give more guidance/specificity on what “substantive changes” means. Staff indicated that KDE chooses to provide additional guidance on substantive changes.
- Section 614(d)(1)(A)(i)(VIII) of federal language currently requires the process of postsecondary transition planning to begin at least when the child is 14 with a statement of transition services needs and the actual services to begin at least at age 16. Staff recommends that this approach remain the same.
- Section 615(b) of federal language requires a local education agency to appoint a surrogate for any child that needs one. The federal regulations would allow for a judge to appoint a surrogate but does not require it. Staff recommends that the state regulations stay the same because it would take a lot of training of judges as to when and who should be a surrogate. It was pointed out that KSBA would prefer using the federal standard to prevent confusion and the potential of districts having to comply with court orders anyway. KSBA offered to assist the Department in the training of judges in this federal standard.
- Section 615(k)(1)(G) of federal language, Section 10 requires an ARC to make the decisions for removing a child to an alternate placement for weapons, drugs or serious injury. The new federal regulations would allow school personnel to make these decisions. Staff recommends to keep the current language of the state regulations with the following additions: a) explanation of steps that school personnel can take immediately to ensure the safety of students and staff; b) clarification of when school personnel may suspend or remove a student from school without an ARC process; and, c) alternative means by which ARC meetings may be conducted, i.e., telephone conferences, etc. It was noted that KSBA would prefer the state regulations to allow school personnel to remove a child to an alternate placement and not the ARC in order to give the districts more

flexibility to add the removal due to serious bodily injury as an exception to the “stay put” rule and to allow for interim alternative educational placements to be up to 45 “school days”. Staff went on to indicate they recommend complying with the federal law on the “stay put” issue and the 45 “school days” issue when the new regulations are drafted.

It was explained to the Board that these issues are only for their information at this point so that when the actual regulations come forward, they will have some background knowledge to assist them in making the decisions at that time.

HEARING OFFICER’S REPORT AND STATEMENT OF CONSIDERATION ON THE PROGRAM OF STUDIES REGULATION

Deputy Commissioner Kevin Noland indicated that the Board will have to render a decision on the Statement of Consideration today because it must be filed with the Legislature Research Commission by noon tomorrow. He then referred the Board to page 30 of the draft Statement of Consideration and read staff’s recommended response as follows: “Given the comments received, the Program of Studies will be revised to refer to dates exclusively using the B.C./A.D. designations. The time designations of B.C.E. and C.E. will not be a part of state law within the Program of Studies. Education of students about these concepts continue to be a matter of discretion at the local level.” Noland then noted that in the conference call prior to the Board meeting with the Chair and Vice Chair, Janna Vice proposed changing the phrase at the beginning of the recommendation to read “upon further review”.

Chair Keith Travis asked if the Board had a recommendation relative to the recommended response from the Department.

David Webb replied that he would like to enter a motion that mirrors his April motion hoping that the Program of Studies will only refer to the dates and format of B.C. and A.D., as has been traditional. He thought that it was not appropriate to characterize this as the Board changing its position because the majority of the Board was not there when the original motion was approved. He stated that of the members who were involved in April, the original motion did not represent the majority. He then asked to enter this into the form of a motion. C.B. Akins seconded the motion.

David Rhodes then asked for a roll call vote. Additionally, several members asked Mr. Webb to restate the motion.

Webb indicated that his motion was to have all references in the Program of Studies retain the traditional connotation of B.C. and A.D., with no reference to B.C.E. or C.E.

Chair Travis then said that Janna Vice had asked for the phrase “upon further review” to be included in the motion and asked Mr. Webb and Mr. Akins if they were willing to amend the motion to include this phrase. Both were agreeable.

The roll call vote was taken and all members voted affirmatively on the motion. Thus, it carried.

Deputy Commissioner Noland then moved on to comments received from Senator Jack Westwood and noted that the Department's revisions relative to Senator Westwood's comments were included at the bottom of page 30 and top of page 31. He went on to say that input on the review and revision process for the Program of Studies was received and pointed out the Department's response found in the middle of page 31 that resulted in no changes to the Program of Studies. The last recommended change pointed out by Noland was a technical amendment that he cited found on the bottom of page 31 of the Statement of Consideration, which was to delete language regarding high school diplomas for students with disabilities found in the third paragraph on page 559 of the Program of Studies because it is redundant of the minimum high school graduation requirements.

At this point David Rhodes asked if a representative democracy was the same as a republic.

David Webb replied that both words represent the status of American society.

Joe Brothers felt that America was a constitutional republic.

After several minutes of discussion on this terminology, Kevin Noland suggested that the Department's social studies consultants do some research and send it to the Board prior to the August meeting. He said that if the Board wished to pursue a change in this terminology, there would still be time at the August meeting.

David Webb then called staff's attention to the page in the Statement of Consideration labeled page 406 where the term "flexible" was recommended for deletion. He noted that the same change was needed on page 528. Kevin Noland responded that the change would be made.

At this point, Janna Vice moved approval of the remaining changes to the Program of Studies and Judy Gibbons seconded the motion. The motion carried.

Before Deputy Commissioner Noland left the presentation table, Chair Keith Travis asked him to help the Board understand the components of Senate Bill 130 relative to the ACT and the components of CATS.

Noland explained that Senate Bill 130 will go into effect July 12 and indicated that it added ACT in as a component of the state assessment. He went on to explain that the bill does say that the components of the middle and high school assessments shall be administered in lieu of the commercially produced norm referenced test. Thus, Noland stated that we shall drop the CTBS in those grades. He went on to say that the bill says if the Kentucky Department of Education determines that content assessed previously by the Kentucky Core Content Test (KCCT) is assessed by ACT, it could reduce the number of questions on the KCCT. He went on to say that the bill says we shall continue to use open-response and multiple-choice items or both to assess those items not covered on the

ACT. Noland stated that his opinion is that the bill is saying that as we implement ACT, we must drop the norm referenced test in the grades that this affects and then do an analysis of the core content coverage within ACT. Once this analysis is done, he noted, then the Board, with advice from the National Technical Advisory Panel for Assessment and Accountability and others will have to decide how much is covered by ACT and how much is covered by Kentucky Core Content Test.

David Webb then asked how long it would take to do the analysis. Commissioner Wilhoit responded that it will take this year because the anchor for the whole testing system is the Core Content and the Program of Studies. Deputy Commissioner Noland added that we must maintain the validity and reliability of the system as well.

David Rhodes advocated moving the giving of the ACT up to this school year and asked that the Commissioner and staff investigate this. Wilhoit said that it may be possible in the future to do end-of-course assessments as the high school assessments and felt that this has great promise.

APPROVAL OF ACTION/CONSENT AGENDA ITEMS

At this point, Doug Hubbard moved to approve all action/consent items as follows: district facility plans, district facility plan amendments, district tax rates levied and certification of non-public schools. Kaye Baird seconded the motion and it carried.

MANAGEMENT COMMITTEE REPORT ON ACTION/DISCUSSION ITEMS

Committee Chair David Webb indicated that his committee had to deal with an appointment to the KHSAA Board of Control and noted that one out of the four of the Board's appointments must be a female and none of them can be an employee of a school district. He stated that the recommended candidate from the committee is Lea Wise Prewitt, who has exemplary credentials and an extensive background in athletics. Webb then moved to approve Lea Wise Prewitt as an appointment to the KHSAA Board of Control and the Board concurred.

INTERNAL BOARD BUSINESS

The following items were discussed under this topic:

- Chair Travis reminded Board members to submit nominations for the Sam Robinson award by July 5.
- Chair Travis asked that a letter be drafted to the National Association of State Boards of Education asking them to take a lead role requesting consistency from the United States Department of Education in the application of NCLB waivers/flexibility. He asked for a motion, second and vote from the Board on this proposal. Doug Hubbard moved to direct the Department to draft such a letter and Janna Vice seconded the motion. The motion carried.

- The Board then looked at the approval of meeting dates for 2006, 2007 and 2008. Doug Hubbard moved to accept Proposal 2 for the meeting dates and locations and Judy Gibbons seconded the motion. After discussion and realization of how much has to be done in a two-day meeting, the question was called and the motion was defeated. At this point, Joe Brothers moved to approve Proposal 2 that would use one-day meetings for the purpose of school visits and meeting with constituencies and Kaye Baird seconded the motion. The motion carried with Doug Hubbard voting no.
- Board members were asked to look at the revised policy manual to see if there were any further changes needed. On page 4 of the manual, it was suggested that in the second paragraph, second line, the words “need to” be changed to “will” and also in the second paragraph, fourth line, the words “need to” be changed to “will”. Doug Hubbard then moved to accept the policy manual with these additional amendments and Joe Brothers seconded the motion. The motion carried.
- Chair Travis then addressed the appointment of a nominating committee to propose Board officers at the August meeting. He asked that the Board approve David Rhodes as Chair of this committee and other members consisting of Janna Vice, C.B. Akins and Judy Gibbons. David Webb moved approval of the committee and Doug Hubbard seconded the motion. The motion carried.
- Election of NASBE officers was the next topic of discussion. David Webb shared that the consensus of Bonnie Lash Freeman, Mary Ann Miller and himself, who attend NASBE meetings, is for the Board to vote for Karabelle Pizzigati from Maryland for President-Elect and Isis Castro from Virginia for Southern Area Director. Webb moved acceptance of these recommendations and David Rhodes seconded the motion. The motion carried.
- The Board was then asked to approve the payment of the NASBE dues. David Webb asked the commissioner to give his viewpoint on this. Commissioner Wilhoit said that he thinks that members can grow tremendously if they participate in NASBE-sponsored events and explained that they are the only organization that offers direct services in national advocacy to state boards of education. C.B. Akins then moved to approved the NASBE dues and David Webb seconded the motion. The motion carried.
- The Board was asked to approve the travel for members to attend the NASBE Annual Conference to be held in Louisville. Kaye Baird moved approval and Joe Brothers seconded the motion. The motion carried.

KDE EMPLOYMENT REPORT

C.B. Akins noted that the Board and Department need to strive for equity and model what we mandate.

Chair Travis then asked permission of the Board for C.B. Akins to be its representative on diversity and equity issues, including the Commissioner's Education Equity Council. The Board agreed.

LITIGATION REPORT

At 12:22 p.m., Doug Hubbard moved that the Board go into closed session for the purpose of discussing litigation and David Rhodes seconded the motion. The motion carried.

C.B. Akins moved that the Board come out of closed session and Judy Gibbons seconded the motion. The motion carried. Chair Travis indicated that no action was taken during the closed session.

ADJOURNMENT

Kaye Baird moved adjournment of the meeting and C.B. Akins seconded the motion. The motion carried.